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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 FERNANDO AVALOS,) CASE NO. C09-0614-MJP
09)
Petitioner,)
10)
v.) ORDER OF DISMISSAL
11)
ICE FIELD OFFICE DIRECTOR,)
12)
Respondent.)
_____)
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14 The Court, having reviewed petitioner's § 2241 petition, respondent's motion to
15 dismiss, the Report and Recommendation of the Hon. Mary Alice Theiler, United States
16 Magistrate Judge, any objections or responses to that, and the remaining record, finds and
17 Orders as follows:

18 (1) The Court agrees with Magistrate Judge Theiler's analysis as it applied to the
19 facts in the record at the time she drafted the Report and Recommendation. However, the
20 Court also recognizes the operative facts have changed: on July 28, 2009, the Board of
21 Immigration Appeals affirmed the Immigration Judge's order of removal. (Dkt. No. 17-2.)

22 (2) Because of the factual change, Plaintiff is now detained pursuant to INA


01 § 236(c), not INA § 236(a).

02 (3) In pertinent part, Petitioner's Petition for Writ of Habeas Corpus challenges his
03 detention in the absence of a bond hearing. (Dkt. No. 2 at 2.) After the BIA affirmed the
04 Immigration Judge's order of removal, Mr. Avalos received a bond hearing. (Dkt. No. 18-2.)
05 At the hearing, the Immigration Judge ordered that Mr. Avalos could be released from custody
06 under bond of \$20,000.00. Petitioner waived his appeal to the ruling. (Id.) Because the
07 requested relief has been granted, the underlying petition is moot.

08 (4) Petitioner's Petition for Writ of Habeas Corpus (Dkt. 1), is DENIED AS
09 MOOT, and this action is DISMISSED; and

10 (5) The Clerk is directed to send copies of this Order to the parties and to Judge
11 Theiler.

12 DATED this 15th day of September, 2009.

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15 Marsha J. Pechman
16 United States District Judge
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